

SENATE BILL REPORT

SB 6152

As of April 16, 2009

Title: An act relating to clarifying the definition of gambling for the purpose of assisting in the regulation and control of gambling.

Brief Description: Clarifying the definition of gambling for the purpose of assisting in the regulation and control of gambling.

Sponsors: Senator Prentice.

Brief History:

Committee Activity: Ways & Means: 4/16/09 [DPF].

SENATE COMMITTEE ON WAYS & MEANS

Staff: Dianne Criswell (786-7433)

Background: In 1973 the Gambling Act was enacted to regulate and limit the nature and scope of gambling activities for the purposes of keeping the criminal element out of gambling and promoting the social welfare of the people.

The definition of "gambling" is provided in statute and means, in general, to risk something of value upon the outcome of a contest of chance and an agreement that a person will receive something of value in the event of a certain outcome.

Gambling is strictly regulated and several criminal statutes address illegal gambling. For example, a person is engaged in unlawful "professional gambling" when that person acts other than in an authorized manner and pays a fee to participate in a contest of chance or other gambling activity. The professional gambling crimes range from a Class B felony to a gross misdemeanor depending on the defendant's level of involvement in the activity. Gambling devices as well as real and personal property used in or acquired through activities proscribed under the Gambling Act are subject to seizure. All net proceeds from forfeited property must be used for the expansion and improvement of gambling-related law enforcement activities.

Since the Gambling Act was enacted in 1973, it was a gross misdemeanor to knowingly send or receive by telephone, telegraph, radio, semaphore, or similar means any wagers or any other information intended to be used for professional gambling. In 2006 the Legislature

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expressly included internet and telecommunications systems as prohibited methods of transmitting or receiving wagers or other gambling information. The penalty for knowingly engaging in such illegal transmission or receipt was increased from a gross misdemeanor to a Class C felony.

Summary of Bill: The codified legislative intent is amended to include a declaration that fines and forfeitures related to enforcement of activities proscribed under the Gambling Act provide resources to law enforcement and the court system to assist in the regulation and control of gambling.

The definition of "gambling" is modified to include conditional or unconditional stakes or risks upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding which may be either conditional or unconditional, that the person or someone else will or may receive something of value in the event of a certain outcome.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.